



DEVIN DERHAM-BURK, ESQ. #104353
CHAPTER 13 STANDING TRUSTEE
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**The following constitutes
the order of the court. Signed May 21, 2018**

M. Elaine Hammond

**M. Elaine Hammond
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

ADRIANO V. CUNANAN
and AURORA FRIAS,

Debtors.

CHAPTER 13 CASE NO. 18-50263 MEH

**ORDER GRANTING MOTION TO
DISMISS PRE-CONFIRMATION
PURSUANT TO 11 U.S.C. § 1307(c)**

Date: May 3, 2018
Time: 9:30 a.m.
Place: 280 S. First Street, Courtroom 3020
San Jose, CA 95113
Judge: The Hon. M. Elaine Hammond

A hearing on the Motion To Dismiss Pre-Confirmation Pursuant To 11 U.S.C. § 1307(c) (the “Motion”) filed by the Standing Chapter 13 Trustee, Devin Derham-Burk (the “Trustee”), was held on May 3, 2018 at 9:30 a.m. Appearances were noted in the record. Based on the record before the Court, the above-captioned debtors (the “Debtors”) having failed to meet the court-imposed deadline of May 17, 2018 to file an amended chapter 13 plan, and good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

- 1) The Motion is granted;
- 2) This case is dismissed without prejudice;

3) After payment of allowed adequate protection payments, if any, and administrative costs or fees, the Trustee shall return to the Debtors any remaining balance of the Debtors' funds on hand;

4) Notwithstanding the dismissal of the case, the Trustee shall remit to the Clerk of the Court funds from any previously disbursed checks that remain un-cashed;

5) The Trustee shall submit at a later date her Trustee's Final Report for approval by the Court; and

6) Notice of the dismissal shall be served upon all parties by the Clerk of the Court.

*** END OF ORDER ***

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Case Name: In Cunanan

Case No.: 18-50263 MEH

Registered ECF Participants will receive an electronically mailed copy of the foregoing document.

Non-registered parties, and/or those not represented by a registered ECF participant:

Adriano V Cunanan

Aurora Frias

2843 Burl Court

San Jose, CA 95121